

1 Jahan C. Sagafi (Cal. Bar No. 224887)  
2 Julia Rabinovich (Cal. Bar No. 290730)  
OUTTEN & GOLDEN LLP  
3 One Embarcadero Center, 38th Floor  
San Francisco, CA 94111  
Telephone: (415) 638-8800  
4 Facsimile: (415) 638-8810  
E-mail: jsagafi@outtengolden.com

5 Justin M. Swartz (admitted *pro hac vice*)  
6 OUTTEN & GOLDEN LLP  
3 Park Avenue, 29th Floor  
7 New York, New York 10016  
Telephone: (212) 245-1000  
8 Facsimile: (646) 509-2060  
E-mail: jms@outtengolden.com

9 Gregg I. Shavitz (admitted *pro hac vice*)  
10 Susan H. Stern (admitted *pro hac vice*)  
Paolo C. Meireles (admitted *pro hac vice*)  
11 SHAVITZ LAW GROUP, P.A.  
1515 S. Federal Hwy., Suite 404  
12 Boca Raton, Florida 33432  
Telephone: (561) 447-8888  
13 Facsimile: (561) 447-8831  
E-mail: gshavitz@shavitzlaw.com

14 Jeffrey A. Klafter (*pro hac vice* forthcoming)  
15 Seth R. Lesser (*pro hac vice* forthcoming)  
Fran L. Rudich (admitted *pro hac vice*)  
16 KLAFTER OLSEN & LESSER, LLP  
Two International Drive, Suite 350  
17 Rye Brook, NY 10573  
Telephone: (914) 934-9200  
18 Facsimile: (914) 934-9220  
E-mail: seth@klafterolsen.com

19 *Attorneys for Plaintiffs JASON ZAJONC,*  
20 *DENNIS FOWLER, and Proposed Class Members*

21 **UNITED STATES DISTRICT COURT**  
22 **NORTHERN DISTRICT OF CALIFORNIA**

23 JASON ZAJONC and DENNIS FOWLER, individually  
24 and on behalf of all others similarly situated,

25 Plaintiff,  
vs.

26 MORGAN STANLEY & CO. LLC, f/k/a Morgan  
27 Stanley & Co. Incorporated, MORGAN STANLEY  
SMITH BARNEY LLC, and MORGAN STANLEY,

28 Defendants.

Case No. 4:14-cv-05563-EMC

**NOTICE OF SETTLEMENT  
AND REQUEST TO VACATE  
ALL DATES ON CALENDAR**

ORDER

1 Plaintiffs Jason Zajonc and Dennis Fowler and Defendants MORGAN STANLEY & CO.  
2 LLC, f/k/a Morgan Stanley & Co. Incorporated, MORGAN STANLEY SMITH BARNEY LLC,  
3 and MORGAN STANLEY provide notice to the Court that the parties have reached an agreement  
4 in principle to resolve this case as part of a global settlement of the following cases: *DeVries v.*  
5 *Morgan Stanley & Co., LLC*, No. 12-81223 (S.D. Fla.); *Hix v. Morgan Stanley & Co., LLC*, No.  
6 15-1157 (D. Md.), and *Johnson v. Morgan Stanley & Co., LLC*, No. 15-4856 (S.D.N.Y.). The  
7 parties' settlement will be memorialized in a settlement stipulation to be presented to the *DeVries*  
8 court for approval.

9 The settlement calls for this case to be transferred to the United States District Court for  
10 the Southern District of Florida to be joined with the *DeVries* action before Judge Kenneth Marra  
11 for purposes of seeking approval of the settlement and implementing the settlement. *DeVries* is  
12 the earliest-filed case including those putative class members participating in the settlement, is a  
13 post-Fair Labor Standards Act conditional certification notice case, and encompasses most of the  
14 individuals whose claims are being settled in the global settlement.

15 The parties will finalize the formal settlement documents and submit to this Court a joint  
16 motion to transfer to the Southern District of Florida by April 11, 2016. Given the settlement, the  
17 parties respectfully request that all deadlines and appearances be taken off calendar.

18

19

20

21

22

23

24

25

26

27

28

1 Dated: March 9, 2016

2 By: /s/ Jahan Sagafi  
3 Jahan C. Sagafi

4 Jahan C. Sagafi (Cal. Bar No. 224887)  
5 Julia Rabinovich (Cal. Bar No. 290730)  
6 OUTTEN & GOLDEN LLP  
7 One Embarcadero Center, 38th Floor  
8 San Francisco, CA 94111  
9 Telephone: (415) 638-8800  
10 Facsimile: (415) 638-8810  
11 E-mail: jsagafi@outtengolden.com  
12 E-mail: jrabinovich@outtengolden.com

13 Justin M. Swartz (admitted *pro hac vice*)  
14 OUTTEN & GOLDEN LLP  
15 3 Park Avenue, 29<sup>th</sup> Floor  
16 New York, New York 10016  
17 Telephone: (212) 245-1000  
18 Facsimile: (646) 509-2060  
19 E-mail: jms@outtengolden.com

20 Gregg I. Shavitz (admitted *pro hac vice*)  
21 Susan H. Stern (admitted *pro hac vice*)  
22 Paolo C. Meireles (admitted *pro hac vice*)  
23 SHAVITZ LAW GROUP, P.A.  
24 1515 S. Federal Hwy., Suite 404  
25 Boca Raton, Florida 33432  
26 Telephone: (561) 447-8888  
27 Facsimile: (561) 447-8831  
28 E-mail: gshavitz@shavitzlaw.com  
E-mail: sstern@shavitzlaw.com  
E-mail: pmeireles@shavitzlaw.com

Jeffrey A. Klafter (*pro hac vice* forthcoming)  
Seth R. Lesser (*pro hac vice* forthcoming)  
Fran L. Rudich (admitted *pro hac vice*)  
KLAFTER OLSEN & LESSER, LLP  
Two International Drive, Suite 350  
Rye Brook, NY 10573  
Telephone: (914) 934-9200  
Facsimile: (914) 934-9220  
E-mail: jak@klafterolsen.com  
E-mail: seth@klafterolsen.com  
E-mail: fran@klafterolsen.com

29 Attorneys for Plaintiffs

1 Dated: March 9, 2016

2 By: /s/Melinda Riechert  
3 Melinda Riechert

4 Jennifer Svanfeldt  
5 Roberta Vespremi  
6 MORGAN LEWIS & BOCKIUS LLP  
7 One Market, Spear Street Tower  
8 San Francisco, CA 94105-1596  
9 Telephone: (415) 422-1486  
10 Facsimile: (415) 422-1001  
11 E-mail: mriechert@morganlewis.com  
12 jsvanfeldt@morganlewis.com  
13 rvespremi@morganlewis.com

14 *Attorneys for Defendants*

15 **ATTESTATION**

16 Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that concurrence  
17 in the filing of this document has been obtained from the other signatory above.

18 DATED: March 9, 2016

19 OUTTEN & GOLDEN LLP

20 By: /s/ Jahan Sagafi

21 IT IS SO ORDERED that the further CMC is reset from 3/23/16 to  
22 5/5/16 at 10:30 a.m. An updated joint CMC statement shall be filed  
23 by 4/28/16.

24 EDWARD M. CHEN  
25 U.S. DISTRICT JUDGE

